

United States Court
Southern District of Texas
FILED

A091 (Rev. 8/01) Criminal Complaint

FEB 18 2006

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

Michael N. Milby, Clerk of Court

UNITED STATES OF AMERICA

v.

Efrain MARTINEZ

CRIMINAL COMPLAINT

Case Number: C-06-129M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 2/18/2006 in Brooks County, in the
(Date)

Southern District of Texas defendant, Efrain MARTINEZ

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

See Attached Affidavit of ICE Special Agent

Cris Freasier

Continued on the attached sheet and made a part of this complaint:

Yes No

Cris Freasier
Signature of Complainant

Cris Freasier

Printed Name of Complainant

Sworn to before me and signed in my presence,

and probable cause found
on February 18, 2006 at 1:55pm.

at

Corpus Christi, Texas

City and State

B. Janice Ellington, U.S. Magistrate Judge

Name and Title of Judicial Officer

B. Janice Ellington

Signature of Judicial Officer

AFFIDAVIT

On February 18, 2006, Border Patrol Agent Martin Sierra was conducting primary inspection duties at the Falfurrias Border Patrol Checkpoint. At approximately 12:50 a.m. a white Eagle International Semi Tractor truck displaying Wisconsin license Plate 86634 approached the primary lane of inspection. BPA Sierra question the driver, who was later identified as Efrain MARTINEZ as to his citizenship and MARTINEZ stated he was a citizen of the United States. MARTINEZ told BPA Sierra he was en route to Detroit Michigan to deliver a load of auto parts. As BPA Sierra was talking with MARTINEZ, BPA Antonio Angarita and his canine "Brendo" were performing a free air sniff of the utility trailer. BPA Sierra observed MARTINEZ was attempting to observe the canine walking around the trailer. Subsequently, BPA Angarita informed BPA Sierra that "Brendo" had alerted to the trailer. BPA requested MARTINEZ' consent to further inspect the trailer in the secondary inspection and MARTINEZ provided verbal consent and moved the tractor-trailer to the secondary inspection area.

In secondary inspection, BPA Angarita entered the trailer and located nine individuals sitting towards the back of the trailer. In addition BPA Angarita located nineteen individuals sitting on top of the auto part boxes. The individuals were escorted out of the trailer into the checkpoint. MARTINEZ was escorted into the checkpoint and advised he was under arrest for alien smuggling.

In the checkpoint, MARTINEZ as well as the illegal aliens was advised of their Miranda Rights. MARTINEZ told agents he understood his rights and preferred not to give a statement without a lawyer present. However, sometime later, MARTINEZ requested to speak with Border Patrol Agent Duque. BPA Duque informed MARTINEZ he had asked for a lawyer to be present therefore BPA Duque was not going to question MARTINEZ. MARTINEZ stated he understood his rights, however he wanted to advise BPA Duque that one of the smugglers had provided the aliens with a cell phone and that the cell phone could be located in the trailer. BPA Duque searched the trailer for the cell phone and discovered a grey cellular phone. BPA Duque showed the phone to MARTINEZ, and MARTINEZ advised that the cell phone was his. BPA Duque observed there were several missed calls on the phone. MARTINEZ told BPA Duque the missed calls were from the alien smuggler and provided the name Joe and J.P. as being the

name of the smuggler. Border Patrol Agents did not question MARTINEZ any further.

Border Patrol Agents determined the individuals in the trailer were 12 citizens of Mexico, 4 citizens of Guatemala, 9 citizens of Honduras, 2 from Brazil, and 1 from Albania all illegally present in the United States.

MATERIAL WITNESS STATEMENTS:

Max Alberto CRUZ and Douglas Fernando RAMOS-Banegas stated they understood their rights and provided agents with voluntary verbal statements. Both individuals stated they left their home in Honduras on February 3, 2006. They traveled on a bus from their country to Mexico. On February 13, 2006, CRUZ and RAMOS crossed the Rio Grande River along with several other individuals. After crossing the river, CRUZ, RAMOS, and the other individuals were transported to a house where they remained for approximately four days. After which, CRUZ, RAMOS, and several other individuals were transported from the house to an unknown location. The illegal aliens were instructed to get inside the trailer. CRUZ and RAMOS observed several other individuals already in the trailer. CRUZ and RAMOS stated an unidentified man closed the tractor-trailer doors. After which, the tractor-trailer began to move and did not stop until they arrived at the checkpoint.

Assistant United States Attorney Patti Booth accepted federal prosecution of MARTINEZ for violating Title 8 USC 1324, transporting illegal aliens.



Cris Freasier, Senior Special Agent
U.S. Immigration and Customs Enforcement

SWORN TO AND SUBSCRIBED BEFORE ME this 18 day of February 2006.



B. Janice Ellington
UNITED STATES MAGISTRATE JUDGE